

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY W. RICHMOND,

Plaintiff,

v.

JULIETT GARRETT *et al.*,

Defendants.

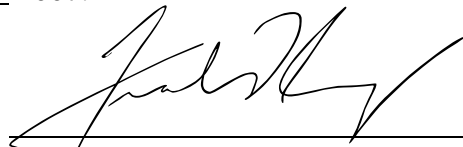
Case No. C06-5522FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim. This action must proceed in habeas corpus as it calls into question the length of a sentence.
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold.

DATED this 2nd day of March 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE